

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 105.4 and 272C.5, the Plumbing and Mechanical Systems Board hereby amends Chapter 33, “Plumbing and Mechanical Systems Board—Contested Cases,” Iowa Administrative Code.

These amendments pertain to the statement of charges issued by the Board. Item 1 rescinds paragraph 33.13(2)“b” which states, “Any allegation in the statement of charges not denied in the answer is considered admitted.” The effect of this rescission is to ensure that licensees have an opportunity to raise any potential defense in a contested case disciplinary proceeding, regardless of whether a licensee timely files an answer and regardless of the contents of the answer. It is the intent of the Board through these amendments to make the discipline process as fair as possible to licensees.

Notice of Intended Action was published in the August 7, 2013, Iowa Administrative Bulletin as **ARC 0931C**. No comments were received. The adopted amendments are identical to those published under Notice.

The Plumbing and Mechanical Systems Board adopted these amendments on November 19, 2013.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 17A and section 105.27.

These amendments will become effective January 15, 2014.

The following amendments are adopted.

ITEM 1. Rescind paragraph **33.13(2)“b”**

ITEM 2. Reletter paragraph **33.13(2)“c”** as **33.13(2)“b.”**

[Filed 11/19/13, effective 1/15/14]

[Published 12/11/13]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/11/13.